

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

STEVEN F. HOTZE et al.,

Plaintiffs,

v.

GOVERNOR GREG ABBOTT,

in his individual capacity,

THE STATE OF TEXAS,

TEXAS HEALTH AND HUMAN SERVICES

COMMISSION

(Texas HHSC),

TEXAS DEPARTMENT OF STATE HEALTH

SERVICES

(Texas DSHS),

PHIL WILSON,

in his official capacity as Executive Director of

Texas DSHS, JOHN WILLIAM HELLERSTEDT,

MD, in his official capacity as Commissioner of the

Texas DSHS, MAYOR SYLVESTER TURNER,

in his official capacity as Mayor of the City of

Houston, Texas, and

HOUSTON FIRST CORPORATION,

Defendants.

Civil Action No. 4:20-cv-2104

**PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT TO ADD PARTY**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COME NOW PLAINTIFFS STEVEN F. HOTZE, HON. JOSH FLYNN, HON. CATHIE ADAMS, AL HARTMAN, GREG BLUME ET AL. ("Plaintiffs") in the above-referenced cases and files Plaintiffs' Motion for Leave to File Second Amended Complaint and in support states as follows:

1. Plaintiffs move for leave to amend their First Amended Complaint in order to add a new party, the Republican Party of Texas. *See* Ex. A (Plaintiffs' Second Amended Complaint and Application for Preliminary Injunction and Permanent Injunctive Relief).

2. Federal Rule of Civil Procedure 15 governs the amending and supplementing of complaints. Rule 15(a) permits a party to amend a pleading "with the opposing party's consent or the court's leave." Fed. R. Civ. P. 15(a). After the deadline for amending as a matter of course, a party may amend a pleading only with the opposing party's consent or leave of court. Fed. R. Civ. P. 15(a)(2). Leave of court is to be freely granted "when justice so requires." Fed. R. Civ. P. 15(a)(2). *Don Stevenson Design, Inc. v. Randy Herrera Designer, LLC*, No. 5:16-CV-1130, 2017 WL 10581124, at \*1 (W.D. Tex. Sept. 8, 2017) (Ezra, J.) (explaining that the court may consider a variety of factors, including "undue delay, bad faith or dilatory motive on the part of the movant, repeated failures to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party ..., and futility of the amendment").

3. Federal Rule of Civil Procedure 21 governs the misjoinder or nonjoinder of parties. Rule 21 provides that "on motion or on its own, the court may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21.

4. Justice requires granting Plaintiffs' request for leave to amend because Plaintiffs did not seek delay in seeking to add a new party, nor do that have any dilatory motive. The Republican Party of Texas has attempted a virtual convention and found that it is an unworkable platform. *See* Ex. B (Declaration of James Dickey). Accordingly, the Republican Party of Texas has no choice but to seek relief from the Court to allow the Republican Party of Texas to prepare for the upcoming election season.

### **CONCLUSION**

For the foregoing reasons, the Court should grant Plaintiffs' Motion for Leave to Amend.



Respectfully submitted,

/s/ Jared R. Woodfill

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**CERTIFICATE OF CONFERENCE**

On July 17, 2020, the undersigned attorney called Defendants' counsel attempted to contact Defendants' counsel to confer regarding the above motion.

/s/ Jared Woodfill

Jared Woodfill

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via electronic mail on the following counsel for Defendants on this 16<sup>th</sup> day of July 2020:

/s/ Jared Woodfill

Jared Woodfill